

REMARKS

Claims 1-2, 7, 10-16 are pending in the application. Claims 3-6, 8, and 9 were cancelled in the Applicants' "Response to Restriction Requirement" dated May 9, 2000. New Claims 8-14 were submitted in Applicants' "Response to First Office Action" dated January 22, 2001. The Examiner appears to have renumbered the new Claims 8-14 to be Claims 10-16. Therefore, Applicants will address the claims in this response accordingly. Claims 1, 7, 15, and 16 have been amended herewith. Claims 2 and 13 are canceled without prejudice or disclaimer. Support for this amendment can be found at least on pages 7-8, 12-14. Applicants respectfully submit that no new matter has been added by this amendment. Attached hereto is an Appendix with the marked-up version of the changes made to the claims by the current amendment.

Claims 15 and 16 stand rejected under 35 U.S.C. §112, first paragraph. Claims 1, 2, 10, 11, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nee (U.S. Pat. 6,007,899). Claims 7, 12-14, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ohno et al. Claims 1, 2, 10, 11, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nee. Claims 7, 12-14, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ohno et al. in view of Takeoka et al. (U.S. Pat. 4,647,947).

Rejection under 35 U.S.C. §112

Claims 15 and 16 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the rejection and request withdrawal of the same.

The Examiner argues that "the range of less than about 1000 Angstroms is not supported by the specification." Claims 15 and 16 have been amended to recite "wherein the thin film has a thickness from approximately 500 Angstroms to approximately 1500 Angstroms" which is supported by the specification at least on pages 7 and 16.

Rejections under 35 U.S.C. §102

Claims 1, 2, 10, 11, and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nee (U.S. Pat. 6,007,899). Applicants respectfully traverse the rejection and request withdrawal of the same.

Applicants submit herewith a declaration under 37 C.F.R. § 1.131 signed by the named inventors showing reduction to practice in the United States before the effective date of the Nee

Ser. No. 09/429,719

reference. Applicants respectfully submit that Claims 1, 2, 10, 11, and 15 are patentable over Nee.

Claims 7, 12-14, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ohno et al. Applicants respectfully traverse the rejection and request withdrawal of the same.

Ohno et al. disclose a reflective layer of an optical information recording medium that is a thin film of an Ag alloy, one containing from 0.2 to 5 atomic % of Ti, V, Ta, Nb, W, Co, Cr, Si, Ge, Sn, Sc, Hf, Pd, Rh, Au, Pt, Mg, Zr, Mo or Mn. Ohno et al. do not teach or suggest a AgPd alloy having “Pd in an amount ranging from 0.1 to 1.5 atomic %, Ti in an amount ranging from 0.1 to 2.9 atomic %, and Cu in an amount ranging from 0.1 to 3.5 atomic %” as recited in Claim 7. Applicants respectfully submit that Claim 7 is patentable over Ohno et al.

Claims 12-14 and 16 depend from independent Claim 7. When the recitations of Claims 12-14 and 16 are considered in combination with the recitations of Claim 7, Applicants respectfully submit that Claims 12-14, and 16 are likewise patentable over Ohno et al.

Rejections under 35 U.S.C. §103

Claims 1, 2, 10, 11, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nee. Applicants respectfully traverse the rejection and request withdrawal of the same.

Claim 2 has been cancelled without prejudice or disclaimer.

Applicants submit herewith a declaration under 37 C.F.R. § 1.131 signed by the named inventors showing reduction to practice in the United States before the effective date of the Nee reference.

Applicants respectfully submit that Claims 1, 2, 10, 11, and 15 are patentable over Nee.

Claims 7, 12-14, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ohno et al. in view of Takeoka et al. (U.S. Pat. 4,647,947). Applicants respectfully traverse the rejection and request withdrawal of the same.

Claim 13 has been cancelled without prejudice or disclaimer.

Ohno et al. has been described and distinguished above, which is incorporated herein by reference.

Takeoka et al. disclose a metal cover film formed on the surface of a recording layer that may be Au, Pt, Pd, Rh, Ir, Cu, Ni, Co, Fe, Mn, Cr, V, Ti, Zr, Nb, Al, and Ag, alone or as alloys of two or more components. Takeoka et al. do not teach or suggest the specific combinations of alloys or the atomic percentage that each element comprises in the alloy.

Applicants respectfully submit that combining the reflective layer of Ohno et al. with the cover film of Takeoka et al. does not teach or suggest a AgPd alloy having “Pd in an

Ser. No. 09/429,719

amount ranging from 0.1 to 1.5 atomic %, Ti in an amount ranging from 0.1 to 2.9 atomic %, and Cu in an amount ranging from 0.1 to 3.5 atomic %” as recited in Claim 7. Applicants respectfully submit that Claim 7 is patentable over Ohno et al. in view of Takeoka et al.

Claims 12-14 and 16 depend from independent Claim 7. When the recitations of Claims 12-14 and 16 are considered in combination with the recitations of Claim 7, Applicants respectfully submit that Claims 12-14, and 16 are likewise patentable over Ohno et al. in view of Takeoka et al.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-2, 7, 10-16 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,



David R. Metzger
Registration No. 32,919

Date: September 12, 2001

SONNENSCHEIN NATH & ROSENTHAL
P.O. Box #061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-6404
(312)876-8000

I hereby certify that this document and any being referred to as attached or enclosed is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, BOX AF, Washington, D.C. 20231, on

9/12/01

Date



Joellen Hogan

APPENDIX

1. (Twice Amended) A method of forming a thin film comprising the step of: forming an AgPd alloy thin film using a sputtering target material, the AgPd alloy thin film [comprises] comprising Pd in an amount ranging from 0.5 to 4.9 atomic %[; and irradiating an information recording layer with a light beam having a wavelength of less than or equal to 800 nm] and Cu in an amount ranging from 0.1 to 3.5 atomic %.

7. (Twice Amended) A method of forming a thin film comprising the step of: forming an AgPdTi alloy thin film using a sputtering target material, the AgPdTi alloy [comprises] comprising Pd in an amount ranging from 0.1 to 1.5 atomic %,[and] Ti in an amount ranging from 0.1 to 2.9 atomic %, [; and irradiating an information recording layer with a light beam having a wavelength of less than or equal to 800 nm] and Cu in an amount ranging from 0.1 to 3.5 atomic %.

15. (Amended Claim 13) The method of claim 1, wherein the thin film has a thickness [of less than about 1000 Angstroms] from approximately 500 Angstroms to approximately 1500 Angstroms.

16. (Amended Claim 14) The method of claim 7, wherein the thin film has a thickness [of less than about 1000 Angstroms] from approximately 500 Angstroms to approximately 1500 Angstroms.